



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2308784  
**Applicant Name:** Tess Wegier for Seaquest Homes LLC  
**Address of Proposal:** 2836 – NW 68<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two (2) parcels of land. Proposed parcel sizes are approximately: A) 2,632.4 square feet and B) 2,368.2 square feet. The existing structures are to remain. At the time of this decision the only related building permit to this subdivision was a permit to remove the south deck from the northerly (rear) structure “subject to field inspection.” (DPD Permit No. 742999, issued June 4, 2004.)

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into two parcels.  
(Chapter 23.24, (23.24.046) Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving  
another agency with jurisdiction

**BACKGROUND DATA**

Site & Area Description

The 5,000 square foot project site is located in a single-family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the Sunset Hill neighborhood of northwest Seattle. The parcel is located on Northwest 68<sup>th</sup> Street between 28<sup>th</sup> Avenue Northwest and 30<sup>th</sup> Avenue Northwest, with approximately fifty (50) feet of street frontage on Northwest 68<sup>th</sup> Street. Northwest 68<sup>th</sup> Street is paved with curbs, gutters, sidewalks and planting strips on both sides of the street. There are two existing houses on the site, which are to remain. Existing vehicle access is from Northwest 68<sup>th</sup> Street. The site is nearly level. Northwest 68<sup>th</sup> Street is classified as a non-arterial street, pursuant to SMC Chapter 23.53. Surrounding properties and blocks are also zoned SF 5000. Development in the area consists of a variety of one and 1½ story single-family houses, and some larger two and three story houses, of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

### Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are indicated in the summary above. Proposed Parcels A and B will have direct pedestrian and vehicle access to Northwest 68<sup>th</sup> Street. The existing single family residences will remain. Vehicle access is also to remain off of Northwest 68<sup>th</sup> Street. A new curbcut and driveway will be provided on proposed Parcel A to access a parking pad on the east side of the existing house. The existing curbcut will remain to provide vehicle access to a parking pad on Parcel B.

The subject of this analysis and decision is only the proposed division of land.

### Public Comment

During the public comment period which ended June 2, 2004, DPD received five written comments, as well as two e-mail comments with several follow-ups, from the public related to the subdivision application, including a comment letter with attached petition signed by 37 neighbors. The comments expressed concerns about future redevelopment of the site in the event of a short subdivision, concern about whether there were actually two legally established houses on the property, and concerns about the effect of the short subdivision on neighborhood property values.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single family zone is generally one dwelling unit per lot, with exceptions provided for accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046. Maximum lot coverage is 35% or 1,750 sq ft whichever is greater or as modified by SMC 23.24.046. Front yard setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yards for both structures are existing. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046-B5. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046-B5. The principal structures associated with this subdivision will have some degree of non-conformity relevant to development standards for minimum lot area and yards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1 on page 7 of this document outlines the extent of the non-conformities to yard standards for both proposed parcels A and B of this subdivision.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B will both have direct pedestrian and vehicular access to Northwest 68<sup>th</sup> Street. The lots are provided vehicular access to Northwest 68<sup>th</sup> Street via separate

driveways, consistent with the requirements of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the subject property and has indicated that an easement is required. The easement as described in Seattle City Light memorandum dated May 26, 2004, and Exhibit "A" to City of Seattle Short Subdivision No. 2308784 – P.M.# 250302-3-004 shall be included on the final plat prior to recording.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on May 3, 2004 (WAC ID No. 2004-0644).

The sidesewer from the two existing houses addressed 2836 and 2836½ Northwest 68<sup>th</sup> Street discharges to the 8-inch combined sewer in Northwest 68<sup>th</sup> Street. City records do not show the method of stormwater control from either existing structure

The Sewer and Drainage Reviewer recommends "an easement 'along the line as constructed' to the benefit of proposed Parcel B across proposed Parcel A."

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions except the minimum lot area standards and yard standards further analyzed below. The proposed short subdivision will not create any new nonconformity to development standards or increase existing nonconformity on the parcel to be subdivided. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are no trees located on the site. At the time of this decision, no related building permit has been applied for. Future construction will be subject to the provisions of SMC Sections 23.44.008, 25.11.050 and 25.11.060, which set forth tree planting and exceptional tree protection requirements on single-family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

SMC 23.24.046

Subsection B of SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, Establishing nonconforming status;*

An original building permit for the house addressed as 2836 Northwest 68<sup>th</sup> Street (the southerly structure) has not been discovered in DPD records. According to records of the King County Assessor's Office, the structure was constructed in 1906, which is prior to annexation of Ballard into the City of Seattle on May 29, 1907. Three permits were issued between 1916 and 1923 for various structural alterations to the structure. Several other permits have been issued for accessory structures on the property between 1916 and 1924. No permit has been discovered in DPD records for the northerly house on the property. However, records of the King County Assessor's Office compiled in 1937 show a house addressed as 2836½ "West" 68<sup>th</sup> Street constructed in 1924. Reverse telephone directory listings from as long ago as 1956 to as recently as 2000 also show occupancy of both 2836 and 2836½ Northwest 68<sup>th</sup> Street. Based upon the tax records and reverse telephone directory listings, Permit No. 741658 was issued on April 7, 2004, to establish the northerly house "for the record" as a single family residence on a lot containing an existing single family residence and an additional structure. The information supporting the issuance of Permit No. 741658 is found in the DPD file for Project No. 2401687. Accordingly, the structure addressed as 2836½ Northwest 68<sup>th</sup> Street has been determined to be a nonconforming development per SMC Section 23.42.102.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

There are existing permits on record with DPD for the southerly single-family structure addressed as 2836 Northwest 68<sup>th</sup> Street, showing that it was built prior to 1982. As explained above, there is also substantial evidence to show that the northerly single-family

structure addressed as 2836½ Northwest 68<sup>th</sup> Street was built or converted to a house in 1924, and has qualified for issuance of a permit establishing it as a dwelling unit for the record per 23.42.102. Therefore the requirements of this section are met as both single-family residences were constructed prior to 1982. The relevant permits are located in the DPD microfilm records and in the file for Project No. 2401687.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the approved plat configuration showing separate structures on each proposed lot and coupled with the building permits detailed above which specify each structure as residence or dwelling. Therefore the provisions of this section are met.

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*

Parking is provided in accordance with SMC 23.44.016, so the provisions of this section are met.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*

- a. Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
- b. No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision will be in concurrence with the above criteria (23.24.046-B5 (a) (b)). The single-family dwellings will be approximately eight feet at the closest point to the proposed common lot line (Permit No. 742999, issued June 4, 2004, authorizes removal of the deck on the south side of the northerly structure, in order to ensure that the required setback from the common lot line is met). The smallest lot size of the proposed parcels is 2,368.2 square feet (Parcel B). As a result, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046-B. Below is a table that summarizes the modification or waivers to the yard standards that are required to approve the short plat. The nonconforming front yard for the southerly house addressed as 2836 Northwest 68<sup>th</sup> Street (Parcel A) and the nonconforming east side yard and rear yard for the northerly house (Parcel B) are already existing as configured for the undivided property as a whole, and therefore no new yard

nonconformity will be created or any existing yard nonconformity increased by the proposed short subdivision.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling units to be divided in accordance with SMC 23.24.046-B, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

#### Analysis of Required Yards

|  | Front Yard                  | Side Yard (west)       | Side Yard (east)           | Rear Yard                 |
|--|-----------------------------|------------------------|----------------------------|---------------------------|
| <b><i>Proposed Parcel A</i></b><br><b><i>2836 NW 68<sup>th</sup> St.</i></b> | Non-conforming<br>at 10.65' | Conforming at<br>6.05' | Conforming at<br>10.15'    | Conforming at 16.97'      |
| <b><i>Proposed Parcel B</i></b><br><b><i>2834 NW 68<sup>th</sup> St.</i></b> | Conforming at 20'           | Conforming at<br>6.5'  | Non-conforming<br>at 2.75' | Non-conforming at<br>1.3' |

**Table 1**

#### **DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED**.

#### **CONDITIONS - SHORT SUBDIVISION**

##### **Prior to Recording**

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

##### **After Recording and Prior to Issuance of a Building Permit**

3. Attach a copy of the recorded subdivision to all future building permit application plans.
4. Within 60 days of short plat recording, record a sidesewer easement “along the line as constructed” to the benefit of proposed Parcel B across proposed Parcel A.

Signature: \_\_\_\_\_ (signature on file) Date: July 1, 2004

William K. Mills, Land Use Planner

Department of Planning and Development (DPD)

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